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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,421	08/04/2003	Gerard M. Cafferty	3655-0174P	2553
2292	7590	12/31/2003	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			BUI, HUNG S	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,421

Applicant(s)

CAFFERTY ET AL.

Examiner

Hung S Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-20 is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the power supply as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Fritz et al. [US 2003/0118526A1].

Regarding claims 1-3, Fritz et al. disclose a combination comprising:

- a rack system (figure 22) having first and second parallel rails (20, 202);
- a housing (100) containing electronic equipment (110) attached to the first and second rails; and

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- a flame shield (116, paragraph 87) attached to the housing completely covering the lower side thereof (figure 5a).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fritz et al. in view of Varghese et al. [US 2003/0058613A1].

Regarding claim 4, Fritz et al. disclose the instant claimed invention except for the power supply being located below the flame shield on the rack system.

Varghese et al. disclose a rack system (100) including a plurality of modules (107) and a power supply assembly (104) mounted on the bottom of the rack system (figure 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the power supply module mounted on the bottom rack system of Fritz et al., as suggested by Varghese et al., for the purpose of providing better air flow for the power supply assembly.

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6. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fritz et al. in view of the prior art shown in figures 1a, 1b of Tuttle et al. [US 6,646,867 B1] (Tuttle et al., hereinafter).

Regarding claims 5-6, Fritz et al. disclose the instant claimed invention except for the flame shield including an extended surface portion which extends outwardly away from an edge of the housing.

Tuttle et al. disclose a flame shield/housing (110) including an extension (120) which extends outwardly away from the edge of the housing defined by the junction of the rear and top surface of the housing (figure 1b).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the extension portion on the flame shield of Fritz et al., as suggested by Tuttle et al., for the purpose of preventing the spread of flame.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fritz et al. in view of Tuttle et al., as applied to claim 5 above, and further in view of Bologna et al. [US 6,477,055].

Regarding claim 7, Fritz et al. in view of Tuttle et al. disclose the instant claimed invention except for the extended portion defining a cable guide.

Bologna et al. disclose a module (figure 1) including a tray (90) use as a cable guide.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a cable guide on the extension of Fritz et al., as modified, for the purpose of supporting cable for the component.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fritz et al. in view of Kutsch et al. [US 6,587,354].

Regarding claim 8, Fritz et al. in view of Tuttle et al. disclose the instant claimed invention except for the housing being a plastic digital cross connection panel.

Fritz et al. disclose the module usable as DSX type panels.

Kutsch et al. disclose a plastic DSX panel used in a module (100) for a rack system.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use plastic for the DSX panel of Fritz et al., for the purpose of reducing interference.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fritz et al. in view of Shirakami et al. [US 2003/0214798A1].

Regarding claim 9, Fritz et al. disclose the instant claimed invention except for the flame shield being formed of metal.

Shirakami et al. disclose a flame shield (16) used in an electronic apparatus (figure 1) being formed of metal (paragraph 6).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the flame shield of Fritz et al. of metal, as suggested by Shirakami et al., for the purpose of providing better heat resistance.

10. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fritz et al. in view of Rinderer [US 6,481,582].

Regarding claims 10-11, Fritz et al. disclose the instant claimed invention except for the housing and shield being attached to the rack by bolts/screws.

Rinderer discloses attaching a module (87) to a rack (3) by means of bolts/screws (91, figure 2a).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use bolts/screw to mount the component/flame shield of Fritz et al., as suggested by Rinderer in order to mount the component/flame shield to the frame.

Allowable Subject Matter

11. Claims 12-20 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or suggest, in the claimed combination, the flame shield being sized and shapes to conformable with the lower surface of the digital cross connect

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panel such that first and second mounting holes align with mounting hole form on the digital cross connect panel for attaching the digital cross connect panel and flame shield to a rack system.

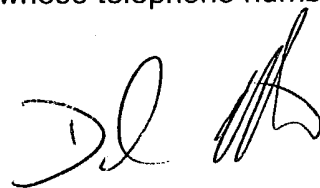
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung S Bui whose telephone number is (703) 305-8024. The examiner can normally be reached on Monday-Friday 8:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David S Martin can be reached on (703) 308-3121. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-5115.



DAVID MARTIN
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12/14/03
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